

REMARKS

Claims 30 and 37-40 remain in the application. Claims 1-29 and 31-36 have been cancelled. Claim 30 has been amended to include a limitation on the torque performance as illustrated in FIG. 1. New claims 37-40 find support in cancelled claims 14-17. No new matter is added to the application by the amendment.

A telephone interview was conducted between the examiner and applicant's attorney on September 26, 2007, for the purpose of informing the examiner that a page was missing from the office action. No substantive discussions took place on this date.

In the office action, Claims 1-4, 6, 8-10, 12-16, 18-19, 22-23, 25, 27, 29-32 and 34-36 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0151441 to Srinivasan ("Srinivasan"). Claims 5, 8, 11, 17, 21, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Srinivasan. Claims 20 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Srinivasan in view of Watts. Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Watts in view of Srinivasan. The rejections are wholly untenable and should be withdrawn. The rejections as applied to claims 1-29 and 31-36 are deemed moot in view of the cancellation of these claims. Reconsideration and allowance of claims 30 and 37-40 are respectfully requested in view of the foregoing amendments and following remarks.

Claims 30 and 37-40 are Patentably Distinguished Over the Cited Reference.

Amended claim 30 provides a method for improving the torque performance of a power transmission wherein the power transmission fluid provides a maximum torque difference between 400 seconds and 1000 seconds of 10 Nm (+/-). A comparison of the torque performance according to the claimed method and the prior art torque performance is illustrated in FIGS. 1 and 2.

In Srinivasan, the examples and FIGS. 3 and 4 show more than a 10 Nm (+/-) in torque between 400 seconds and 1000 seconds. Srinivasan fails to teach, suggest, or disclose the claimed method of providing a transmission fluid to maintain a maximum torque difference of 10 Nm (+/-) between 400 seconds and 1000 seconds. Since

Srinivasan fails to provide all of the elements of the claimed invention, claim 30 is patentable over Srinivasan. Reconsideration and allowance of claim 30 are believed in order and are respectfully requested.

Claims 37-40 depend from claim 30 and provide additional important limitations. Claims 37 and 40 are patentable over Srinivasan for the same reasons, claim 30 is patentable over Srinivasan. Reconsideration and allowance of claims 37-40 are respectfully requested.

CONCLUSION

Applicants respectfully submit that a full and complete response to the office action is provided herein, and that the application is now fully in condition for allowance. Action in accordance therewith is respectfully requested.

Respectfully submitted,

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